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APRIL 5, 2017

Re: Bridgeforth, et al. v. City of N.Y., et al., No. 16 Civ. 273 (WHP) (S.D.N.Y.)

Dear Judge Pauley:

I represent Plaintiffs in the above-captioned Section 1983 action. I write to ask that the Court extend fact discovery which presently scheduled to close on April 14, 2017. Defendants consent.

The reason for the request is that one of the Plaintiffs has suffered an unexpected and serious medical event which has rendered the Plaintiff unable to sit for deposition. From what this Plaintiff has told me, and from what another Plaintiff with knowledge of the situation has told me and testified to at deposition, the unavailable Plaintiff may remain unavailable for deposition as a result of the medical event for one to two months. I respectfully propose that the Court permit me to file a status report on or before May 5, 2017, apprising it of Plaintiff's condition.

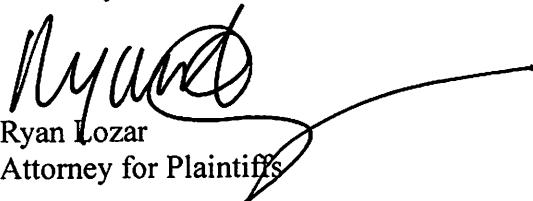
I have separately submitted to the Court pursuant to its Individual Rules a statement about the nature of the Plaintiff's medical event. In light of the sensitive subject matter, I respectfully ask that the Court consider that statement in camera or permit me to file it under seal and/or with redactions. I will today serve a copy of that statement upon Defense Counsel as well, and I should say that the Parties have also conferred at length about this development, and Defense Counsel is thus well aware of the matter even beyond this submission.

The Plaintiff who has become unable to sit was scheduled to be deposed on Thursday, March 30. The other two Plaintiffs have already been deposed.

Finally, I would like to address whether and to what extent this affects the rest of pretrial preparation. Defense Counsel has offered to allow me to take the depositions of certain Defendants and non-parties out of order, so to speak (referring solely to the fact that plaintiffs' depositions are traditionally taken before defendants'), and trail the unavailable Plaintiff's deposition for the time being. This will permit the Parties to make progress on the case as we wait for the unavailable Plaintiff to get back in the saddle. Defendants have not yet decided whether they will permit all Party and non-party depositions to be taken while trailing the unavailable Plaintiff, but I will raise any related dispute with the Court in the event that that arises.

At this writing, fact discovery is set to close on April 14, 2017, a joint pre-trial order is due April 28, 2017, and the Court has scheduled a pretrial conference on April 20, 2017. I thank the Court in advance for its understanding relating to this unexpected need for more time.

Sincerely,


Ryan Lozar
Attorney for Plaintiffs